THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.20999 of 2006

Between:

A.Lakshma Reddy.

.. PETITIONER

and

The Superintendent of Police and others.

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RESPONDENTS

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ORDER:

The petitioner seeks to issue a Writ of Mandamus directing

respondents 1 to 4 not to interfere with the civil dispute of the petitioner with regard to the property admeasuring Ac.19-00 gts. in Sy.No.219, Pedda Kandukuru village, Yadagirigutta Mandal, Bhongir Taluk, Nalgonda District.

It is the case of the petitioner that he purchased the said property from one Mr.Kanchi Sriramulu vide unregistered sale deed in the year 1996, but the said original owner is trying to alienate the said property to third party and trying to dispossess the petitioner forcibly and high handedly from the property in question. Further, the respondents, at the instance of the original owner, are trying to interfere with the civil dispute of the petitioner.

A counter has been filed by the 4th respondent stating that on a complaint filed by one Kanchi Sriramulu on 01-10-2006 against the petitioner alleging that the petitioner is claiming the said land as if the said Kanchi Sriramulu executed an agreement of sale in his favour by fabricating certain documents. Further, the petitioner along with others trespassed into his land on 30-09-2006 and cleared bushes and trees in the path of his land and sustained a loss of Rs.10,000/-. Basing on the said written intimation furnished by the said Kanchi Sriramulu, a case in Cr.No.113 of 2006 was registered against the petitioner on 01-10-2006 for the offences punishable under Sections 427 and 447 IPC.

It is further stated that in fact the petitioner also lodged a complaint against the said Kanchi Sriramulu on 25-09-2006 before the Sub-Divisional Police Officer, Bhongir, Nalgonda District, who in turn forwarded the same to the 4th respondent and the same was received by him on 17-10-2006. On a perusal of the complaint filed by the petitioner, it came to light that no cognizable offence has been made out and therefore, a requisition was made to the Additional Judicial First Class Magistrate,

Bhongiri, on 18-10-2006 to accord permission to investigate the said case as a non-cognizable offence. Insofar as the other allegations that police did not take any action to prevent the original owner and others from interfering with the possession and enjoyment of the petitioner and the police officials are interfering with the civil dispute of the petitioner have been denied.

I am of the opinion that when the title of the petitioner itself is not decided by any civil court and when there is no registered sale deed and when the petitioner has not impleaded the original owner of the said land in the writ petition, the writ petition filed by the petitioner is not maintainable. Further, as the criminal case was already registered against the petitioner, it cannot be said that police are illegally interfering with the civil dispute of the petitioner.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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19-06-2007

Prv